

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY FERRANTINO,

No. 2:20-cv-00806-JAM-CKD PS

Plaintiff,

ORDER

ESKATON PROPERTIES INC.,

(ECF No. 2)

Defendant.

Plaintiff, who proceeds in this action without counsel, has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (ECF No. 2.)¹ Plaintiff's application in support of his request to proceed in forma pauperis makes the showing required by 28 U.S.C. § 1915. Accordingly, the court grants plaintiff's request to proceed in forma pauperis.

The determination that a plaintiff may proceed in forma pauperis does not complete the required inquiry. Pursuant to 28 U.S.C. § 1915, the court is directed to dismiss the case at any time if it determines that the allegation of poverty is untrue, or if the action is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against an immune defendant.

Based on the limited record before the court, the court cannot conclude that plaintiff's

¹ This case proceeds before the undersigned pursuant to E.D. Cal. L.R. 302(c)(21) and 28 U.S.C. § 636(b)(1).

1 action is frivolous, that the complaint fails to state a claim upon which relief can be granted, or
2 that plaintiff seeks monetary relief from an immune defendant. The court reserves decision as to
3 plaintiff's claims until the record is sufficiently developed, and this order does not preclude
4 defendant from challenging plaintiff's complaint through a timely motion pursuant to Federal
5 Rule of Civil Procedure 12 or other appropriate method of challenging plaintiff's pleading.
6 Accordingly, the court orders service of the complaint on defendant.

7 Good cause appearing, IT IS ORDERED that:

- 8 1. Plaintiff's motion to proceed in forma pauperis (ECF No. 2) is granted;
- 9 2. The Clerk of the Court is directed to issue the undersigned's order setting status
10 conference.
- 11 3. The United States Marshal is directed to serve within ninety days of the date of this
12 order, all process pursuant to Fed. R. Civ. P. 4, including a copy of this court's order setting status
13 conference, without prepayment of costs.
- 14 4. The Clerk of the Court shall send plaintiff one USM-285 form for each defendant, one
15 summons, a copy of the complaint, and this court's order setting status conference.
- 16 5. Plaintiff is directed to provide to the United States Marshal, within fourteen days from
17 the date this order is filed, all information needed by the Marshal to effect service of process,
18 including all information required for proper service of summons under Federal Rule of Civil
19 Procedure 4 and shall file a statement with the court that said documents have been submitted to
20 the United States Marshal, along with a copy of the information provided to the Marshal. The
21 court anticipates that, to effect service, the U.S. Marshal will require at least:
 - 22 a. One completed summons for each defendant;
 - 23 b. One completed USM-285 form for each defendant;
 - 24 c. One copy of the endorsed filed complaint for each defendant, with an extra
25 copy for the U.S. Marshal;
 - 26 d. One copy of this court's status order for each defendant; and
 - 27 e. One copy of the instant order for each defendant.

- 28 6. In the event the U.S. Marshal is unable, for any reason whatsoever, to effectuate

1 service on any defendant within 90 days from the date of this order, the Marshal is directed to
2 report that fact, and the reasons for it, to the undersigned.

3 7. The Clerk of the Court is directed to serve a copy of this order on the United States
4 Marshal, 501 "I" Street, Sacramento, Ca., 95814, Tel. No. (916) 930-2030.

5 || Dated: August 21, 2020

Carolyn K. Delaney

CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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